

PLANNING COMMITTEE

20 June 2019

Minutes of the Planning Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 20 June 2019 at 9:30am.

Committee Members present: Councillors J. Vine-Hall (Chairman), S.M. Prochak (Vice-Chairman), Mrs M.L. Barnes, P.C. Courtel, G.C. Curtis, Mrs D.C. Earl-Williams, S.J. Errington, A.E. Ganly, K.M. Harmer, L.M. Langlands, A.S. Mier, G.F. Stevens and R.B. Thomas.

Other Members present: Councillors J.H.F. Brewerton (in part), S.J. Coleman (in part), B.J. Drayson (in part), D.B. Oliver and H.L. Timpe (in part).

Advisory Officers in attendance: Head of Service Strategy and Planning, Development Manager and Democratic Services Officer.

Also Present: 6 members of public.

PL19/14. **MINUTES**

(1)

The Chairman was authorised to sign the Minutes of the meeting held on 30 May 2019 as a correct record of the proceedings.

PL19/15. **APOLOGIES FOR ABSENCE**

(2)

An apology for absence was received from Councillor J.M. Johnson.

PL19/16. **DISCLOSURE OF INTEREST**

(5)

Declarations of interest were made by Councillor in the Minutes as indicated below:

Mrs Earl-Williams Agenda Item 8 (RR/2019/421/P) – Personal Interest in so far as she had previously supported the creation of a balcony with balustrade on a previous application and appeal.

PART II – DECISIONS TAKEN UNDER DELEGATED POWERS

PL19/17. **PLANNING APPLICATIONS - INDEX**

(6)

Outline planning permissions are granted subject to approval by the Council of reserved matters before any development is commenced, which are layout, scale, appearance, access and landscaping. Unless otherwise stated, every planning permission or outline planning permission is granted subject to the development beginning within

three years from the date of the permission. In regard to outline permissions, reserved matters application for approval must be made within three years from the date of the grant of outline permission; and the development to which the permission relates must begin no later than whichever is the later of the following dates: the expiration of three years from the date of the grant of outline permission or, the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matters to be approved.

In certain circumstances the Planning Committee will indicate that it is only prepared to grant or refuse planning permission if, or unless, certain amendments to a proposal are undertaken or subject to completion of outstanding consultations. In these circumstances the Head of Service Strategy and Planning can be given delegated authority to issue the decision of the Planning Committee once the requirements of the Committee have been satisfactorily complied with. A delegated decision does not mean that planning permission or refusal will automatically be issued. If there are consultation objections, difficulties, or negotiations are not satisfactorily concluded, then the application will have to be reported back to the Planning Committee or reported via the internal-only electronic Notified 'D' system by means of providing further information for elected Members. This delegation also allows the Head of Service Strategy and Planning to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee. Any applications which are considered prior to the expiry of the consultation reply period are automatically delegated for a decision.

RESOLVED: That the Planning Applications be determined as detailed below.

PL19/18. **RR/2018/1644/P - PETT - WARREN COTTAGE, LAND AT, PETT LEVEL ROAD**

(7)

This application was subject to public speaking.

Members had visited the site which was situated within Cliff End, Pett Level and covered a substantial part of the garden of Warren Cottage. Warren Cottage would be retained with a significantly reduced garden. The site was currently within the adopted 2006 Local Plan Development Boundary however, in the current proposals contained within the Development and Site Allocations Local Plan, Pett Level was set to lose its development boundary. A public footpath ran along the south-eastern boundary and several trees along the proposed access and site perimeter were covered by Tree Preservation Orders.

The proposal was for the erection of two chalet style dwellings with detached garages and a raised driveway on the line of the current access between the private lane to 'The Thatch' and the adjoining property 'Greenbank'. Consideration was given to updated information received which was circulated to Members prior to the meeting.

Members heard from the spokesperson representing those people objecting to the scheme and the local Ward Member. Members asked a series of questions in relation to a number of issues. These included: the design of the properties on 'backland' site; inconsistent format (regimented layout); impact on a small rural location; destruction of trees; and, in particular, drainage concerns.

The Committee considered the comments submitted by statutory bodies who had no objection to the scheme subject to relevant conditions and Pett Parish Council who had raised a number of concerns including narrowness of access, visibility of the site from a designated public footpath and impact on local wildlife. The discussion focused on the poor design, layout and effect on the rural setting. Particular consideration was also given to Policies OSS4 and EN3 of the Core Strategy, as well as paragraph 127 parts b) and c) of the National Planning Policy Framework.

Councillor Mrs Barnes moved the motion to refuse (full planning) and this was seconded by Councillor Mrs Earl-Williams. The motion was declared CARRIED (9 for / 3 against).

In weighing up all the issues identified above, including drainage concerns, Members considered that the overall impact of the scheme would cause harm and was out of character for the following reasons: residential overdevelopment on 'backland' site due to poor design; plot sizes which were smaller than the neighbouring properties; inconsistent parallel and regimented layout of the two units; loss of established trees; and insufficient detail regarding the drainage system which could result in surface water flooding issues. Therefore, the Committee considered that the application should be refused.

DECISION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposal would result in the overdevelopment of a 'backland' site, out of character with the surrounding area as a result of: the poor design of the houses which, by mimicking each other, fail to respond to the varied and eclectic mix of housing designs between plots in the local area; the parallel and regimented layout of the houses side-by-side which fails to reflect the more informal layout and positioning of development in the immediate locality; the plot sizes which are comparatively small when compared with development in the immediate locality; and the loss of established trees which would undermine the site's secluded and wooded character. The proposal is therefore contrary to Policies OSS4 (iii) and (v) and EN3 of the Rother District Local Plan Core Strategy and paragraph 127 (b) and (c) of the National Planning Policy Framework.
2. The drainage proposals for the site are insufficiently detailed and would result in increased risk of surface water flooding in the locality. The proposal is therefore contrary to Policies SRM2

(iii) and EN7 (iii) of the Rother District Local Plan Core Strategy and Policy DEN5 of the emerging Development and Site Allocations Local Plan.

NOTE:

1. This refusal of planning permission relates to the following drawings:
 - Drg. 4117 – 330 Site Location and Block Plans
 - Drg. 4117 – 331 Topographical Survey
 - Drg. 4117 – 332E Proposed Site Layout Plan
 - Drg. 4117 – 333C Proposed Visibility Splay
 - Drg. 4117 – 340B Plot 1 Proposed Plans, Section and Elevations
 - Drg. 4117 – 341B Plot 2 Proposed Plans, Section and Elevations
 - Drg. 4117 – 343C Indicative Existing Site Sections
 - Drg. 4117 – 344E Indicative Proposed Site Sections
 - Drg. 4117 – 345B Indicative Existing Access Drive Sections
 - Drg. 4117 – 346D Indicative Proposed Access Drive Sections

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

PL19/19. **RR/2019/421/P - BEXHILL - 47 COLLINGTON AVENUE, LANGLEY HOUSE**

(8)

DECISION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The change of use hereby permitted relates to the land shown on the site location plan, submitted with the application.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or

without modification), no alterations, extensions, buildings or structures, as defined within classes A-E of Part 1 of the Schedule 2 of the order, shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.

Reason: To ensure appropriate development of the site and preservation of the amenities of the area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

NOTE:

1. A number of unauthorised alterations have taken place to this property. These are not permitted by the decision, which relates to the change of use of the property only.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

(Councillor Mrs Earl-Williams declared a personal interest in this matter as she had previously supported the creation of a balcony with balustrade on a previous application and appeal and in accordance with the Members' Code of Conduct remained in the room during the consideration thereof).

PL19/20. **RR/2019/454/P - BEXHILL - OLIVERS PRINTERS, EASTWOOD ROAD**

(9)

Members had visited the site which was situated within the town and development boundary of Bexhill behind residential properties fronting Eastwood Road, Little Common Road and Chandler Road. The site was of an irregular shape and measured approximately 0.27 hectares with vehicular access between Nos. 14 and 16 Eastwood Road. The site was previously used as employment space for a print works. Permission was previously granted to provide 14 dwellings on the site, with access parking and drainage.

The proposal was to vary a number of conditions relating to planning permission RR/2018/2052/P namely to raise the rear gardens by approximately 0.6m to reduce the amount of excavation material to be taken to landfill. Consideration was given to updated information received which was circulated to Members prior to the meeting.

The Committee considered the comments submitted by the Lead Local Flood Authority who was satisfied that the flood risk could be managed effectively. They also heard comments from the local Ward Member

who expressed a number of concerns. The discussion focused on overlooking issues e.g. height of retaining walls to the neighbouring properties, contaminated materials not being excavated and the potential health effects on residents, as well as surface water drainage.

Councillor Langlands moved the motion to refuse (full planning) and this was seconded by Councillor Thomas. The motion was declared CARRIED (11 for / 1 against).

Members considered that raising the garden levels of the new properties would increase overlooking, due to the relative increase in levels compared with existing neighbouring gardens and the taller walling and fencing, attempting to mitigate this would impact outlook and amenity of neighbouring properties, as a result of taller and more imposing fence panelling. This would unacceptably harm neighbouring residential amenities. Members also considered that the proposed retaining walls, which include 'weeping holes', would increase the risk of contaminated surface water flooding onto the boundary footpath and into neighbouring gardens. Therefore, the Committee considered that the application should be refused.

DECISION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposed amendments will raise the level of the rear gardens by approximately 600mm. Such a change will increase garden levels relative to existing neighbouring residential properties increasing overlooking. Furthermore, the proposed solution to mitigate this would result in taller and more imposing walls and boundary fencing which would negatively impact on the outlook and amenity enjoyed by those neighbouring properties. The proposal is therefore contrary to Policy OSS4 (ii) of the Rother District Local Plan Core Strategy.
2. The retaining walls required to facilitate the proposed raised garden levels will include 'weeping holes' which, now that contaminated material is being retained on site, will allow for an increased risk of contaminated surface water running onto the alleyways and access passages surrounding the development and into neighbouring residential gardens. The proposal is therefore contrary to Policies OSS3 (viii) and OSS4 (iv) of the Rother District Local Plan Core Strategy and Policy DEN7 of the emerging Development and Site Allocations Local Plan.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

DECISION: GRANT (OUTLINE PLANNING)

CONDITIONS:

1. Before any part of the development hereby approved is commenced approval of the details of the access, appearance, scale, landscaping, and layout of the site, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only as approved.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan on Drawing No. 4181-112/B, dated 30/04/18
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
5. The positions, form and size of the footprints of the dwelling indicated on the submitted location plan are not hereby approved.
Reason: To allow these matters to be properly considered in the context of a detailed reserved matters application and also, in relation to existing trees on the site. To ensure the development accords with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
6. Pursuant to Condition 1, the development shall not be occupied until parking areas have been provided in accordance with a plan that has been submitted for the consideration and subsequent approval of the Local Planning Authority. The areas

shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

7. No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority and none of the dwellings shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 and EN7 of the Rother Local Plan Core Strategy.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

PL19/22. **RR/2019/1125/P - CATSFIELD - SPRING COTTAGE, CHURCH LANE**

(11)

DECISION: REFUSE (FULL PLANNING)

REASON FOR REFUSAL:

1. The small plot size, particularly in relation to the size of the proposed dwelling (which is a three-bedroom family house), and the restricted space within the site would result in an inadequate level of private outdoor amenity space provision. The quality of the available outside amenity area would be further compromised by the sloping ground levels and the requirement for terracing, which would further reduce the amount of useful area and its attractiveness to future occupiers. The proposal would therefore fail to provide appropriate amenities to meet the reasonable needs of future occupiers, which includes a requirement to provide appropriate and proportionate levels of private usable external space. The application therefore conflicts with Policy OSS4 (i) of the Core Strategy and Policy DHG7 of the emerging Development and Site Allocations Plan.

NOTE:

1. This refusal of planning permission relates to the following plans and drawings:
Site location and block plan: Drawing No. BA1826.01 rev B (March 2018)
Proposed site levels plan: Drawing No. BA1826.25 rev C (December 2018)
Proposed plans and elevations: Drawing No. BA1826.24
Proposed elevations and levels AA and BB: Drawing No. BA1826.27A rev B
Proposed elevations and levels CC: Drawing No. BA1826.26
Proposed elevations and levels DD: Drawing No. BA1826.28
2. Drawing Nos. BA1826.27A rev B and BA1826.28 include the re-grading of ground levels, terracing and the construction of retaining walls on land to the rear of the proposed dwelling that falls outside the red line of the application site. These works comprise engineering operations that would require planning permission. They cannot, however, be considered as part of the application.
3. Additionally, it is noted that the details shown on the proposed levels plan (Drawing No. BA1826.25) in relation to the outside areas (re-grading of ground levels, terracing and the construction of retaining walls) does not accord with that shown on Drawing Nos. BA1826.27A rev B and BA1826.28.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

PL19/23.
(12)

APPEALS

Members noted the report on Appeals that had been started, allowed or dismissed since the Committee's last meeting, together with the list of forthcoming Hearings and Inquiries.

RESOLVED: That the report be noted.

PL19/24.
(13)

DATE FOR SITE INSPECTIONS

Tuesday 16 July 2019 at 8:30am departing from the Town Hall, Bexhill.

CHAIRMAN

The meeting closed at 12:00pm

pl190620jh